



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/164017

PRELIMINARY RECITALS

Pursuant to a petition filed February 17, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Kenosha County Human Service Department in regard to FoodShare benefits (FS), a hearing was held on March 05, 2015, at Kenosha, Wisconsin.

The issue for determination is whether the Kenosha County Human Service Department correctly pro-rated the Petitioner's FoodShare benefits in February 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Karen Mayer, Fair Hearing Coordinator
Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. On December 22, 2014, the Petitioner contacted the agency complete her FoodShare renewal which needed to be completed by January 31, 2015. (Exhibit 11)
3. On December 23, 2014, the agency sent the Petitioner a Notice of Action Needed, indicating that she needed to sign her Foodshare application. The notice also indicated that the agency needed verification of income the Petitioner received from her parents and verification of her son's income. The signature and verification were due January 2, 2015. (Exhibit 4)

4. The Petitioner called the agency on December 29, 2014, with some questions about the requested verification and the agency extended the due date for the verification to January 8, 2015. (Exhibit 11)
5. Neither the verifications nor the Petitioner's signature were provided by the January 8, 2015 deadline. (Id.)
6. On January 9, 2015, the agency sent the Petitioner a notice indicating that her Foodshare benefits would be ending February 1, 2015, because she did not sign the application. (Exhibit 10)
7. On January 15, 2015, the Petitioner submitted the signature page and provided a letter from her parents. However, the agency was not able to use the letter from Petitioner's parents to verify her income, because it did not state what amount of money they gave her each month. (Exhibits 5 and 11)
8. Petitioner submitted verification of her son's income on January 30, 2015. (Exhibit 7)
9. On February 6, 2015, the Petitioner submitted a second letter from her parents, stating the exact dollar amount of the money they give her each month. (Exhibit 6)
10. On February 16, 2015, the agency sent the Petitioner a notice, indicating that she would receive \$104.00 in FoodShare benefits for February and that as of March 2015, she would receive \$122.00 a month in benefits. (Exhibit 9)
11. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on February 17, 2015. (Exhibit 1)

DISCUSSION

The Petitioner filed a request for fair hearing, because she disagrees with the agency's decision to prorate her February benefits.

There are several steps to completing a FoodShare renewal (a.k.a. recertification a.k.a. renewal), including verification of certain information. *FoodShare Wisconsin Handbook (FSH) §2.2.1.3* The agency and the FoodShare recipient have until the end of the review month to complete recertification. *Id.* In this case, Petitioner had until January 31, 2015 to complete the recertification process, including verifications.

If FoodShare closes due to lack of verification or lack of a signature and the verification or signature is provided in the calendar month following the end of the certification period, FoodShare will reopen and the benefits will be prorated from the date the household took the required action. *FSH §2.2.1.3*

In the case at hand, Petitioner's Food Share closed, because the required verification and signature. The Petitioner's certification period ended on January 31, 2015. The Petitioner did not provide the final piece of required verification until February 6, 2015, six days after the Petitioner's certification period ended on January 31, 2015. As such, the agency correctly pro-rated the Petitioner's benefits.

Although the Petitioner did not contest the calculation of her monthly income, nor the calculation of her FoodShare benefits, she expressed a great deal of concern that she would not be able to buy enough food to support herself and her son with \$122 per month in benefits. Petitioner's concerns are understandable.

There are two city of Kenosha food pantries listed on the website for Kenosha County that she might be able to turn to for help:

[REDACTED]
[REDACTED]

Kenosha, WI 53143

[REDACTED]

Hours: 8:30 a.m. to 3:30 p.m.

[REDACTED]
[REDACTED]

Kenosha, WI 53143

[REDACTED]

Hours: M, W, F 10:00 a.m to 12:00 p.m. and
1:00 p.m to 3:00 p.m.

CONCLUSIONS OF LAW

The agency correctly pro-rated the Petitioner's benefits.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 6th day of March, 2015.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 6, 2015.

Kenosha County Human Service Department
Division of Health Care Access and Accountability